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Article Information:

To cite this document:

Nasser, N. U. I., & Dr. Showkat Hussain Dar. (2022). Contemporary Discourse on Citizenship and its Critical Analysis: An Islamic Perspective . Karachi Islamicus, 2(2).
<https://doi.org/10.58575/ki.v2i2.23>

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Contemporary Discourse on Citizenship and its Critical Analysis: An Islamic Perspective

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Received: 1 November 2022; Accepted: 30 November 2021; Published: 30 December 2022

Abstract: The pre-modern practices of political institutions of Muslims are no longer compatible with nation-state framework. The new classifications, Dār al-Shahādah (Abode of Testimony), Dār al-Ahd (Abode of Truce) and Dār al-Amān (Abode of Peace) have been the contemporary additional terms (Mustalhāt al-M'āsirah al-Ḥarbiya) to the classical legalistic framework which classifies the countries into Dār al-Islam (Abode of Islam) and Dār al-Harb (Abode of War). This paper will analyse the contribution of modern Muslim scholars in the emergence of the concept on the one hand while reformist scholars on the other hand. The former laying emphasis on forwarding the concept of citizenship in light of al-Darūrah (Necessity/Compulsion), while the latter ones trying to expand the existing concept of Dhimmah to adjust the needs and obligations of non-Muslim citizens in an Islamic state. The basic idea of citizenship seems to treat all the citizens alike and make the concept as nearer to the modern conception of citizenship as possible. In the given context, the paper will highlight how has the concept of citizenship evolved during the course of time from Caliphate (632-661 C.E) to the Ottoman Empire (1299-1924 C.E) and afterwards.

Keywords: Ahl al-Dhimmah, Fiqh al-Muwātana, Dār al-Islam, Dār alHarb, Tanzimāt, Arab Spring, Marrakesh Declaration

Introduction: Citizenship is a legal, constitutional and political relationship between an individual and the state, founded on the principle of sovereign community, corresponding to rights and obligations. It is the basic right through which the state guarantees certain rights and in turn imposes some obligations¹. It is a relationship which qualifies an individual to be called a citizen of a particular state; e.g., an individual living in India, and having this relationship with the state, will be called an Indian. (*Shahriyat*, 2015, 83)². Citizenship has become one of the main necessities of our times and even slightest negligence as a citizen can land one in trouble or make a person stateless, making him devoid of all basic rights and obligations (*Nationality*, 2005, 1)³.

Over the last decade, the conception and rights of citizenship have had a great impact throughout the world ⁴. The concept of citizenship is an integral and inseparable part of the modern nation-state, which can be understood by the fact that a stateless person can't be a citizen of any country and cannot enjoy the rights and privileges otherwise offered through citizenship. Citizenship represents a basic claim of the citizens vis-a-vis the state to the

civil, social, political and economic resources best represented by the term *Muwātana* (Davis, 1997, 19-20)⁵. *Muwātana* “Democratic Citizenship” is different from *Jinsiyah* “Passport Citizenship” as passport expires and without passport, one can still be citizen of any state, while there can be no passport without Citizenship (20)⁶.

The basic nature of Islam is unity and oneness of all Muslim *Ummah* (Community), irrespective of their places of origin race or nationality. The Quranic concept of *Ummah* unites together all the identities wherein colour, religion, race and similar other affiliations didn't fragmentise this conception⁷. Islam generally advocates a system wherein there is no curb on the movement of individuals from one place to another⁸. The concept of citizenship gained importance because the borders were sealed and the movement of people was restricted from one country to another. The current changes in the geo-political scenario have forced the nations to lay restrictions and make laws for safety and security of its nationals. These circumstances have led to the adoption of citizenship in this new world order. Citizenship, in its modern sense, is a modernist phenomenon, but its roots may be traced back to our traditions and culture. The terminology and context are the differences between the modernist and classical Islamic frameworks of citizenship. The modern concept of citizenship is integrally related to the nation-state structure, in which the government is required to keep track of persons in order to grant them rights, responsibilities, and other benefits. To receive these privileges, you must first register as a citizen. The Caliphate (632-661 C.E) provides us an example regarding it; there was no systematic arrangement of *Wazāif* from the *Bait al-Māl* (Treasury) throughout the prophetic time and the Caliphate of Abu Bakr (*Raḍi Allāh 'anhu*), but the first such census was taken during the caliphate of Umar (*Raḍi Allāh 'anhu*) for the proper and timely disbursement of *Wazāif* (Pensions) (Suyuti, 1995, 135)⁹.

Research Methodology: The present study is theoretical in nature; therefore, the methodology adopted is a hybrid of historical, descriptive and critical qualitative research modes. The study is based on both primary and secondary sources, Urdu and English literature. On the basis of these sources, the study provides detailed descriptions and analysis of the available data pertaining to the subject under study and thus makes a significant contribution to the area under study.

Emergence of the Concept: In the 1990s, Citizenship became established as a de facto field in the humanities and social sciences¹⁰. Citizenship studies arose in response to broader conditions defined as "post modernization" and "globalization," as well as concrete manifestations such as class reconfiguration, the emergence of new international government regimes, new rationalities of government, and new social movements and their struggles for recognition and redistribution¹¹. All of this has compelled academics, practitioners, and activists to reconsider the political agent or subject in the face of these changes. Immigrants, aboriginal peoples, refugees, diasporic groups, environmental injustices, and homelessness are all major societal challenges, that have been increasingly expressed through the language of rights and obligations, and hence of citizenship (Isin and Turner, 2002, 1)¹².

The Graeco-Roman conceptions of citizenship are the two classical conceptions from which the modern concept of citizenship has evolved (Pocock, 1995, 29-52)¹³. Citizenship was a special status in Greek *polis*, intimately linked to political activity. The Roman republic, on the other hand, evolved a more pragmatic, legalistic approach. As the empire grew, so did the empire's vision of citizenship. The Greek Conception of citizenship was a privilege of a minority where slaves¹⁴, children, women and elders were denied citizenship (Bellamy, 2014, 3)¹⁵. The Athenian males above the age of 20 or over were eligible to be citizens, have known Athenian citizen ancestors, be the patriarch of a home, be a warrior with arms and the ability to battle (4)¹⁶. The definition of citizenship given by Aristotle can be used as starting point in the search for a fundamental idea of citizenship. Western and Eastern scholars have used it as a foundation, sometimes to enhance it, other times to broaden it, and even other times to challenge it. Aristotle defines citizen as one who can have access to legal processes or one who can participate in giving judgements. This definition effectively excludes majority of the domiciles from the citizenship rights (Aristotle: 1962, 167-168)¹⁷. The Greek concept of citizenship was exclusive and limited; therefore, it was up to the Romans to define citizenship. Philosophers and Emperors collaborated to create a kind of citizenship that was both practical and ethical. The main distinction from the Greeks was that it was extended to the rest of the world. It was extended to the plebeians, disadvantaged aliens domiciled in Rome, tradesmen, and merchants, which was a major distinction from the Greeks. To simplify the debate, we can say that the Roman conception of citizenship was juridical, pliable, intellectual and international, whereas the Greek conception was highly personalistic, organic and restrictive (Gorman, 1992, 13)¹⁸.

Citizenship is the most privileged form of nationality. Although it may not always grant political rights, it surely suggests other protections, such as protections overseas. In international law, the phrase "citizenship" refers to a larger concept that includes all people to whom the state owes protection. It suggests a state of liberation. Up until 212 A.D., Rome was the first to utilize citizenship as a criterion to distinguish between residents of Rome and those of the lands it had conquered. It was only after this point that citizenship was extended equally to both groups. In Europe during the Middle Ages, the idea of national citizenship was supplanted by a feudal system of rights and obligations. In this way, during the Renaissance and afterwards, citizenship developed as a means of immunity from the feudal overlords¹⁹.

Modern Perspective: The citizenship as a modern concept came to limelight after two landmark events in the pre-modern world. The French revolution (1789) with emphasis on liberty, equality and fraternity leading towards the framework of equal rights and obligations and American Declaration of Independence (1776) (Salam, 1997,126)²⁰. The revolution resulted in the emergence of world-wide movements aimed for gaining rights and having say in the affairs of their respective lands, henceforth called nations. The turning point in the history of Citizenship happens to be the landmark event of French Revolution of 1789 C. E (Parolin, 2009,22) ²¹. The effect of this revolution reached Egypt, occupied by French under Napoleon in 1798 C.E. The event played a crucial role in the Euro-Muslim relations. This expedition is regarded as the main external factors for the

Arab Renaissance (al-Nahda). The French ideas and its Socio-political, educational and economic institutions were perceived as models sought upon by the successive reformers in the Muslim world in general and the Egypt in particular

These developments in the west had their impact on the Muslim world particularly on Ottoman Empire. It resulted in widespread discontent and emergence of reform movements which demanded the adoption of western styles of governance. These developments in the west had their impact upon the social and political structure of the Muslim World. From the nineteenth century onwards, various reformers and reform movements arose in the Muslim world for bringing institutional, military and educational reforms with getting impetus from the renaissance in west. The incumbent Ottoman Empire faced with economic, social and political crisis set foot on reforms culminating in the famous *Tanzimāt* Reforms (Hasan, 2015, 63-65)²². With the Ottoman citizenship law of 1869, the European conception of “Nation and Nationhood” gradually penetrated in the Muslim world (Akhoundaz, 2009, 151)²³. The 1839 *Gulhane* decree (*Hatt-i-Sharif*) promised a slew of reforms, including the complete elimination of *jizya* and other poll taxes on non-Muslims, as well as equal citizenship status for Jews, Christians, and Muslims. In 1843, a new penal code was enacted, attempting to keep pace with the rest of Europe in modernizing and updating its mediaeval religious heritage (Hussain, 2011)²⁴. The Ottoman Decree of 1839 abolished the *Dhimmi* status, establishing equality between Muslim and non-Muslim citizens, making them to pay the same amount of taxes, and allowing all citizens to hold political and administrative positions and join the army. As a result, the Affirmation of Regulations (*Tanzimāt Fermani*, 1839) can be considered the first modern- Islamic declaration of human rights (Senturk, 2002, 10)²⁵.

In backdrop of this illustration to the concept of citizenship, Ṭāriq al-Bishrī²⁶ and Fahmī Huwaydī²⁷ are the earlier and influential scholars who worked and have written about the concept of citizenship (Malik, 2018, 7)²⁸. Rifah al Tehtawi, the Egyptian-Azhari scholar was the first scholar to introduce the concept of Nation (*Watan*) and Citizenship (*Muātana*) in his work *Hubb al-Watan* (Love for the nation). This was later on added by Tunisian scholar Khāiru Dīn al-Tunishi (1810-1899) in his work *Al Wataniyya wa al-Dīn* (Nationalism and Religion). At the end of 19th and early 20th century; the Salafiyah (not *Wahābbiyyah*) reformist group attempted to analyse these issues through the philosophy of Islamic law (Malik, 2018). The notable among them are; Sa‘id Jamāl al-Dīn Afghāni (d.1897) in *Jamīyyah al-Islāmiyyah* [Pan-Islamism], Muhammad ‘Abduhu (d.1905) in *Al-Muwātana al-Misriyya* [The Egyptian citizenship] (Hourani, 1983, 1-222)²⁹. In the Contemporary times, Islamic Jurists and thinkers have deliberated on the concept from diverse perspectives including Dr. Fahmī Huwaydī from Egypt³⁰. His book *Muwātinūn la Dhimmiyūn* (1990) [Citizens not Dhimmis] became a source of reference for later discussions on the above-mentioned issue. His boldness and courage in bringing new *ijtihād* was later built upon by Ṭāriq al-Bishrī, in his work *Al-Jam‘ah wa al-Muwātana* [Unity and Citizenship], Dr Muhammad ‘Imarah in his *Al-Masawah Haqqun Ilāhiyun* [Equality is a Guaranteed Right from God], Muhammad Fathi ‘Uthman in his *Al-Muwātana al-Kāmilah* [The Full Citizenship], Tunisian *Ennahda Party* leader, Dr Rached Ghannouchi in his magnum opus, also his Ph.D. thesis, *Al-Hurriyat al- ‘āmmah* [The Public Freedom in Islam] (Malik, 2018)³¹.

Islamic Perspective: The Islamic perspective on the concept of citizenship is much wider, inclusive as well as cohesive. It is rooted in the belief system (*al-'Aqidah*) of Islam. The universe as created by *Allah* giving equal opportunities for all without any discrimination³². Although Holy Qur'ān has not defined the concept itself, but has a say and clues governing this concept. The Citizenship concept in Islam is often traced back to the Holy Qur'ān and the *Mithāq al-Madinah* (The Madinah Covenant), which set the precedents for the latter Islamic states for dealing with non-Muslims. Madinah was given a status of a city state for first time and a code of conduct was given which is commonly called as *Kitāb* or *Sahifa*³³. Historically during the pious Caliphate, Umayyad and Abbasid eras, non-Muslims were part and parcel of the state and participated in the affairs of the Government and even held high esteem in the eyes of the Caliphs and their administrative setup. The document *Mithāq al-Madinah* is called the first written constitution of the world, contains the notions of citizenship which correspond to the modern times, where Prophet Muhammad (*Rasūlullah Khātām un Nabīyyīn Ṣallallahu 'alaihi wa 'alā Ālihi wa Aṣḥābihi wa Ṣallam*) laid the foundations of the state through coexistence and the protection of the state was the duty of every signatory be it Muslims or Non-Muslims. While it is true that Muslim law has maintained a distinction between Muslims and non-Muslims, non-Muslims' rights are fully safeguarded, and occasionally they even seem to enjoy more privileges than Muslims. If a minor is taken as a prisoner of war along with a parent, the child retains the family religion even if his parents pass away later. This is because Islamic law, as a general rule, protects life, property, honour, and freedom of religion even for non-Muslims, whether they are subjects of the Muslim state or resident aliens or tourists (Al-Obead, 2005, 54-61)³⁴. These are the basic foundations of the modern concept of citizenship (Hamidullah, 1941, 1)³⁵.

Before the Prophet Muhammad (*Rasūlullah Khātām un Nabīyyīn Ṣallallahu 'alaihi wa 'alā Ālihi wa Aṣḥābihi wa Ṣallam*) called them to Islam, the Arabians were proud of several attributes, including belonging to and loyalty to a clan or tribe. The foundation of this Arabian social organisation was kinship. The foundation of the social structure, which functions through it in the absence of a centralised authority, is this relational tie known as *Asabiyah*. Although the Prophet Muhammad (*Rasūlullah Khātām un Nabīyyīn Ṣallallahu 'alaihi wa 'alā Ālihi wa Aṣḥābihi wa Ṣallam*) prohibited group bonds, they persisted and even became important in the future. Examples that attest to this fact include the status of neo-Muslims (*Mawālīs*), the *Kafā'ah* principle of adequate marriage, and the Quraish-led caliphate (Paroline, 2009, 26)³⁶.

The word *Muwātana* 'Citizenship' has come to limelight recently; its origin is from the root word "*Watan*" meaning homeland or a place which is a permanent habitat, and the term "*Mawātīn*" refers to the place where human beings or creatures live (Abdel-Hay, 2018, 112)³⁷. The terms used by the Quran which express belongingness to certain areas or locations, are *diyār*³⁸, *dār*³⁹, *al-balad*⁴⁰ and *masakin*⁴¹. Citizenship as per contemporary law is acquired on the basis of place of birth, blood ties or naturalisation (Kamali, 2009, 124)⁴². This criteria of either "*jus soli*"⁴³ or "*jus sanguinis*"⁴⁴ is followed throughout the world with necessary amendments as per local needs and circumstances; countries adopting one of the two or both forms of acquiring citizenship.

The accepted model of citizenship in traditional societies under Islamic law is the one having two tiers: Muslims as the natural and automated citizens and the Non-Muslims or “Protected” called *Ahl al- Dhimmah*⁴⁵ (Saeed, 1999, 307)⁴⁶. In Classical Islamic law, subjects are often defined on the basis of their religion. This also meant that territories were also defined keeping the official state religion in mind, resulting in the emergence of concepts of *Dār al-Islam* and *Dār al-Harb*⁴⁷. In classical times, concepts such as ‘Nation and Country’ did not come into prominence because of this division of lands and Muslims living anywhere would be members of the Muslim Community (*Ummah*) (Akhoundaz, 2009,145)⁴⁸. Muslims could become automatic citizens of the Muslim lands, thus making Religion the basic criterion of citizenship. Kamali (2009, 125) substantiates this argument by referring to the Qur’ānic verse, making “Religion and Domicile” as the basic requirements of citizenship according to Holy Qur’ān⁴⁹. This framework of citizenship with terms like *Ahl al-Dhimmah*, *Ahl al-Islam*, *Ahl al-Ahd* and *Ahl al-Amān* partially guaranteed the fundamental rights which the modern term ‘Citizenship’ offers (Abdel-Hey, 2018, 114)⁵⁰.

Contemporary Discourse: The colonisation of the Muslim lands proved to be the decisive factor in the campaign of Citizenship in the modern Muslim world. The movements of independence and the creation of nation-states paved the way for achieving the citizenship rights. The struggle was led by both Muslims and Non-Muslims for liberating their lands (Kamali, 2009, 126)⁵¹.

Arab Spring played a significant role in changing the mindset of the religiously conservative forces. It led to the toleration of religious plurality in the Muslim world (Fadel, 2016, 26)⁵². After the defeat of Gamal Abdel Nasser in 1967, new trend emerged for pushing back extremism to modernism (Bowen, 2017)⁵³. For compatibility with modern world, reformers were compelled to rethink and emphasise Islam’s tolerance to non-Muslims. The “New Islamist Trend” (*Al-Islamiyyūn al-Jadud*) considers western liberalism as a better base than socialism for building a modern Muslim nation-state. This new trend was necessitated by the events occurring since the 1967 defeat and failure of the Arab nationalism of Gamal Abdul Nasser (Anjum, 2016, 33)⁵⁴. The people felt betrayed and were eyeing for new alternatives to build a nation-state.

The Marrakesh Declaration (25th -27th January 2016) on the occasion of 1400th anniversary of the charter of medina under the auspices of His Majesty King Muhammad VI of Morocco, participated by Muslim scholars and intellectuals from 120 countries along with representatives of Islamic and international organizations called upon the Muslim scholars and intellectuals around the world to develop a *Fiqh al-Muwātana* (Jurisprudence of Citizenship) which is inclusive of diverse groups and such jurisprudence shall be rooted in Islamic tradition and principles and mindful of global changes⁵⁵.

Modern Islamic concept of citizenship aims at elimination of all forms of discrimination, be it hereditary, religious, ethnic, colour or gender based. It aims to make all equal in the eyes of law, giving equal opportunities and obligations based on merit. This modern concept has redefined the concept of citizens, emphasising more on responsibilities

towards the welfare of the people, including, taxes and military services (Marshall, 1950, 10-14)⁵⁶. One of the contemporary debates around the citizenship debate is its permissibility, whether it is permissible or not. In light of the contemporary world order international laws, the modern framework of citizenship seems compulsory, and without it no one can become the citizen of any country, it comes under the banner of permissibility (*Shahriyat*, 2015, 31)⁵⁷.

Contemporary Reconciliatory Paradigm: Contemporary Muslim scholars are attempting to create a new environment for international relations and citizenship status within the new reality of nation-states, which serves as the foundation for modern nation-states. In a Muslim-majority country, non-Muslim residents are no longer considered second-class citizens, nor are they considered citizens as a result of battle or territorial expansions, as was formerly the case. Instead, they are now accepted as citizens of the state, with the same citizenship rights as Muslims. The nation-state framework and association with it, having feelings for it can be described as *Hājat al-Insan* (Necessity of Humans) (Al-Qaraḍawī, 2010, 6-7)⁵⁸. This is the foundation of 'Urf Dawli' (Worldwide convention) that governs all modern countries, which is today defined by nation-statehood and constitutionalisms (Malik, 2018, 4)⁵⁹.

The medieval interpretation of the terms *al-Ummah*, *al-Dhimmah* or the Islamic State are the core issues faced by Muslims worldwide. Modern Muslim scholars have deliberated on the issue and have revisited the thought process and have given new interpretations to them. The classical *Dhimmah* model which used to be the part and parcel of the medieval Islamic empires went through several modifications and later during the later Ottomans, was abolished and 'Equal Citizenship Model' was proclaimed. The Ottoman constitution (*Qanūni Asāsi*) of 1876 nullified the three-fold division of citizens into Muslims, *Dhimmis* and *Mustamāns* and thus making the first two categories equally as citizens and the Ottoman state became de-jure "Multicultural entity", and thus the universal concept of "Nation of Islam" (*Ummah*) was replaced with that of "Ottoman Nation" (Akgunduz, 2009, 52)⁶⁰.

The open-door policy of accepting and adopting Muslims from all corners of the world has now been replaced with its opposite, putting restrictions and implementing the nation-state framework of only giving service to one's nationals. The laws regarding citizenship and nationality in Muslim states have been changed while embracing the new framework of citizenship, keeping aside the rules of *fiqh* governing Muslim states before the nation-state framework. It was done while using new juristic tools like that of *Darūrah*, meaning need, necessity or essential, giving emphasis to the fact that there may be some obligatory situations where obtaining citizenship is necessary (146)⁶¹.

Muslim scholars have deliberated and discussed the two-tier citizenship model adopted by the Muslim rulers in history. Many defending the same, like Mawḍūdī (1903-1979), the late founder of *Jama'ati Islāmi*, divides citizens into two distinct groups: Muslims and non-Muslims. Non-Muslims in an Islamic State are divided into three categories; 'contractees' (those who voluntarily accept the hegemony of an Islamic state and enter into a contract

with it, and are treated according to their treaty); 'conquered' (those who are defeated in war by an Islamic state and have their territories annexed by it, and must pay the protection tax, *jizya*); 'residents' (Non-Muslims of any other category who are in an Islamic state) (Mawdūdī, 1960, 278-300)⁶², while others rejecting the same and calling it old fashioned and outdated on the basis of changed circumstances and international scenario. Rached al-Ghannouchi (b. 1941) believes that in light of the Qur'ānic Verses,⁶³ *Dhimmi* should be the equal citizens of the Islamic State. He also compliments the view of the contemporary scholars that the term *Dhimmi* Should be avoided now because the term in itself comes with many doubts and misinterpretations (Al- Ghannouchi, 1993, 26-27)⁶⁴. The figurehead of the *Wasatiyya*⁶⁵ (Centrist) movement, Yusuf al-Qaraḍawi sought to develop a new *fiqh* of citizenship which guarantees equal political and civil rights to Muslims and non-Muslims. He maintained that *Dhimmah* was a citizenship granted by the government to the alien who abides the constitution, therefore earning all rights of a natural citizen (Al-Qaraḍawi, 1985, 7)⁶⁶.

In the Muslim world, the modern concept of citizenship is embraced, taking into account the contemporary needs and international agreements (*Shahriyat*, 2015, 31)⁶⁷. Yusuf al Qaraḍawi believes that a *fiqh* of equal citizenship rights can be justified from the Islamic texts and its legal tradition having no needs to take help of political liberalism or secular neutrality (Warren and Gilmore, 2013, 235)⁶⁸. He represents the thought of expanding the existing Islamic tradition through *Ijtihād*, fundamentally different from that of republican Islamists like Tariq Al Bishri (1933-2021) and Fahmī Huwaydī (b.1937), who consider Islamic tradition as a source of inspiration rather than a coherent system in itself. Bishrī argues that national unity and equal citizenship rights are necessary for national development (Anjum, 2016, 41)⁶⁹. Huwaydī is of the opinion that, there are several instances in the history through which we can infer that non-Muslims enjoyed equal citizenship and right of belonging (42)⁷⁰. They not only believe in tolerance of non-Muslims but treating them as equal citizens in an Islamic State (31)⁷¹. Tariq Ramaḍan is of the view that the tolerance maintained through the *Dhimmah* system is not as same as equality pronounced through *Muwātana*. He considers *Dhimmah* not to be a suitable ground on which contemporary political relationship could stand. The minority citizenship is not acceptable to him which eventually leads to discrimination (Ramaḍan, 2010, 168-169)⁷². He has also laid emphasis on the 'Ethics of Citizenship' (*Akhlaq al-Muwātana*) (Ramaḍan, 2009, 271)⁷³ being necessary for living.

Conclusion: The concept of Citizenship (*Muwātana*) has its roots in the ancient Greek and Roman conceptions of citizenship. It is still evolving amid changing international and national political, social and economic institutions. Citizenship debate in the Muslim world made inroads amid the influence it had got from the western ideas and institutional developments. The reorganization and modernization of the Ottoman institutions led to the emergence of new trends of thought. From the classical *Dhimmah* model, to the *Ri'āyah* system of the Saljuks, to the abolishment of the *Dhimmah* model and the declaration of equality of all the citizens without discrimination of any kind whatsoever in the Ottoman Empire, the contemporary citizenship debate has been influenced by the contexts and circumstances of times in which they evolved.

The modern concept of citizenship is not based upon the religious identity of the persons. Either it is based upon residence in particular geographical area. So, there is fundamental difference as far as base of granting citizenship is concerned. There have been efforts of vesting new meanings and forms to the traditional framework of identity and belongingness. Hence, the *Millet* system or the *Dhimma* model can be provided a new expression while accommodating the nationalistic aspirations. Although the western institutions and democracy have been seen as deceitful and misleading, the concept of citizenship grew in popularity and continues to convey an untapped need in Arab and Muslim countries. The modern concept does bring with it some challenges like that of restricting access and freedom of individuals to a particular geographical area irrespective of medieval juridical system being more open.

The concept of citizenship has offered a critical link between the ideals of democracy and the rule of law in European political thought traditions. Citizenship has taken on a new meaning since the conceptions of territorial sovereignty emerged in the 17th century and the nation-state as the basic unit of a global international order emerged at the end of the 18th century. It is now frequently used interchangeably with the term "nationality," which refers to a legal relationship between individuals and sovereign governments. There has been a revolutionary and multidimensional interest in citizenship since 1980's. There has been a limitation of literature, as it is more Eurocentric or occident centric. In the Arab world, citizenship mixes elements of pre-Islamic kinship relationships with the ideal of ummah as a religious group and nation-state sovereignty

Those previous notions have been supplanted by the nation-state as a unit of organisation and citizenship as a basic framework of identity and connections. Despite this, the umma continues to be a larger framework of religious solidarity among Muslims, to which all Muslims, regardless of nationality or place of residence belong. Harmonisation of Islamic laws and accommodation of non-Muslim in a Muslim majority state in accordance with the western conception of citizenship has been the primary objective of liberal- republican Islamists. There is a difference of opinion in scholars on whether the *Dhimma* model is relevant today or it has given place to *Muwātana*. Contradictions are faced by the tradition-based scholars like Qaraḍawī and republican Islamists like Huwaydī. It seems that the matter of religious minorities both in an "Islamic State" and a secular state is till date irresolvable, unless consensus is gained. What we are witnessing today in Europe and eastern world is a new period of exclusivist nationalism that manifests itself in local discourse and is based on ethnicity, culture, and religion - all of which pose a severe threat to human progress. The contemporary form of discrimination in rights between individuals within the borders of national states is the distinction between citizen and non-citizen, national and alien. In the contemporary Muslim world, the republican Islamists have dominated the discourse on citizenship, although classical interpretation of the concept do have some debating points.

Recommendations: The concept of citizenship in the contemporary Muslim world is one of the core issues faced by the Muslims worldwide. The concept is broad and vast, especially the modern Muslim scholarship on this concept needs to be highlighted and

carried forward. As the underlying concept is bounded by both Jurisprudential and political aspects, more and more research is needed for bringing forth the challenges it brings and meeting the needs of the contemporary world. This study also suggests to study the Muslim minorities in the west and their political participation necessitated by the citizenship laws of the western countries. Thus, it is the responsibility of the future researchers to delve deep into the concept so that its significance and relevance is brought to the fore.

References:

- ¹“Citizenship is man’s basic right for it is nothing less than the right to have rights” Chief Justice Earl Warren (USA 1958) in *Nationality and Statelessness: A Handbook for Parliamentarians*, IPU: UNHCR, 2005.
- ² Islamic Fiqh Academy India. *Shahriyat aur Iske Masail*, (New Dehli: IFA Publications, 2015)
- ³ Inter-Parliamentary Union and United Nations High Commission for Refugees. *Nationality and Statelessness: A Handbook for Parliamentarians*, (Switzerland: IPU & UNHCR, 2005)
- ⁴ For more information on the history and development of citizenship in various regions and times, see (Heater, 2004, 6-79).
- ⁵ Uri Davis, “Jinsiyya versus Muwatana: The Question of Citizenship and the State in the Middle East: The Cases of Israel, Jordan and Palestine” (Arab Studies Quarterly 17 (½)) :19-50. 1995. url: <http://www.jstor.org/stable/41858111>
- ⁶ *Ibid.*, 20
- ⁷ The Holy Qur’ān, (49:13)
- ⁸ The Holy Qur’ān, (29:20)
- ⁹ Jallaludin Suyuti, *Tarīkh al-Khulafa*. Translated by Abdassamad Clarke, (London: Ta-Ha Publishers, 1995)
- ¹⁰ Researchers may be required to search across a range of related disciplines to find academic literature on citizenship due to the multidisciplinary character of citizenship studies. For details, see the bibliographical work on citizenship; James E. Van Loon, and, Hermina G.B Anghelescu, “Citizenship in the Humanities and Social Sciences: A Selective Bibliography, 2000-2009.” (Wayne State University School of Library and Information Science), 2010. Url: <http://digitalcommons.wayne.edu/slisfrp/1>
- ¹¹ For more details on globalisation and postmodernism, see; Ronald Inglehart. “Globalisation and Postmodern Values.” (The Washington Quarterly, 23, 1) 215-228, 2000. Doi: <https://doi.org/10.1162/016366000560665>
- ¹² Engin F Isin, and Bryan. S Turner, *Handbook of Citizenship Studies*, (New Delhi: Sage Publications, 2002)
- ¹³ J.G.A Pocock, “The Ideal of Citizenship Since Classical Times.” In R. Beiner, (ed), *Theorising Citizenship*. (Albany: SUNY Press, 1995).
- ¹⁴ Slaves could never attain the status of citizenship in Greek conception of citizenship. For detailed discussion, see (Matias, 2016, 7-41)
- ¹⁵ Bellamy, Richard. *Citizenship: A Very Short Introduction*, (New York: Oxford University Press, 2014).
- ¹⁶ *Ibid.*, 4.
- ¹⁷ Aristotle. *The Politics*. Translated by T. A. Sinclair, (UK: Penguin, 1992)
- ¹⁸ Robert F Gorman, Citizenship, Obligation, and Exile in the Greek and Roman Experience. (Public Affairs Quarterly 6(1) 5-22. 1992. url: <https://www.jstor.org/stable/40435793>
- ¹⁹ For more details; see (The New Encyclopaedia Britannica, Vol.3: P, 332, 2010.)
- ²⁰ Nawaf A Salam, 1997. “The Emergence of Citizenship in Islamdom”. (Arab Law Quarterly 12 (2))125-147. url: <https://www.jstor.org/stable/3381813>
- ²¹ Gianluca P Parolin, *Citizenship in the Arab World*, (Amsterdam: Amsterdam University Press, 2009)
- ²² Sheikh Dr Usama Hasan, *From Dhimmitude to Democracy: Islamic Law, Non-Muslims and Equal Citizenship*. (UK: Quilliam, Religious Reform Series 3, 2015)

- ²³ Ahmet Akgündüz, “A Position on The Islamic Concept of Citizenship and Muslim Minorities.” (Islam and Civilisational Renewal 1 (1)) 142-158. 2009. doi: [10.52282/icr.v1i1.17](https://doi.org/10.52282/icr.v1i1.17)
- ²⁴ Ishtiaq Hussain, “The Tanzimat (1839-1876): Secular Reforms in the Ottoman Empire”, (Faith Matters) 2011. Doi: <http://faith-matters.org/images/stories/fm-publications/the-tanzimat-final-web.pdf>
- ²⁵ Recep Senturk, “Sociology of Rights: Human Rights in Islam between Communal and Universal Perspectives”, (Emory University Law School) 2002. Url: http://receptenturk.com/media/uploads/pdf/Sociology_of_Rights_I_Am_Therefore_I_Have_Rights_Human_rights_in_Islam_between_Universalistic_and_Communalistic_Perspectives.pdf
- ²⁶ For more discussion on the contribution and thought of Tāriq al-Bishrī, See; Tāriq al-Bishrī, *Al-Muslimūn wa al-Aqbāʾ fī iṭār al-Jamāʿa al-Waṭaniyya* (Muslims and Copts in the framework of the National Community), Cairo: Dār al-Shurūq, 1980)
- ²⁷ For more discussion on the contribution and thought of; Fahmī Huwaydī, see; Fahmī Huwaydī, *Muwaṭṭinūn lā Dhimmīyūn*, (Cairo: Dār al-Shurūq, 1985)
- ²⁸ Maszlee Malik, “Fiqh al-Muwātanah ` (Fiqh of Citizenship): A New and Inclusive Islamic Approach for Multi-religious Societies,” (Penang Institute Issues) 1-17 2018. Url: <https://penanginstitute.org/publications/issues/1047-fiqh-al-muwatanah-fiqh-of-citizenship-a-new-and-inclusive-islamic-approach-for-multi-religious-societies/>
- ²⁹ [Albert Hourani, *Arabic Thought in the Liberal Age: 1798-1939*. \(UK: Cambridge University Press, 1983\).](https://doi.org/10.1017/CBO9780511527010)
- ³⁰ Egypt became a centre of Muslim world in the 19th and 20th centuries because of Al-Azhar being the centre of religious activity and intelligentsia. For more details see *Fiqh al-Muwātanah* (Malik, 2018, 7)
- ³¹ Malik, Maszlee. 2018. “Fiqh al-Muwātanah ` (Fiqh of Citizenship): A New and Inclusive Islamic Approach for Multi-religious Societies,” Penang Institute Issues, 1-17. Url: <https://penanginstitute.org/publications/issues/1047-fiqh-al-muwatanah-fiqh-of-citizenship-a-new-and-inclusive-islamic-approach-for-multi-religious-societies/>
- ³² The Holy Qurʿān, (40:62)
- ³³ For more details on *Kitāb* see; (Anjum, 2021)
- ³⁴ Fadwa M Al-Obead, *Kitāb al-Jihād in Al-Mughni*. (Glasgow, University of Glasgow, 2005)
- ³⁵ Hamidullah, Muhammad. 1975. *The First Written Constitution in the World*. Lahore: Ashraf Printing Press
- ³⁶ Gianluca P Parolin, *Citizenship in the Arab World*. (Amsterdam: Amsterdam University Press, 2009)
- ³⁷ Muḥammad Fawzy Ḥasan Abdul Ḥay. “The Concept and Principles of Citizenship from an Islamic Perspective.” (Egyptian Journals 22 (22)) 105-148, 2018 url: <https://jsh.journals.ekb.eg>
- ³⁸ The Holy Qurʿān, (2: 84), (3: 195), (22: 40)
- ³⁹ The Holy Qurʿān (7: 78), (59:9)
- ⁴⁰ The Holy Qurʿān, (90: 1-2)
- ⁴¹ The Holy Qurʿān, (20: 128), (29: 38), (32: 26)
- ⁴² Muhammad Hāshim Kamali, “Citizenship: An Islamic Perspective.” Journal of Islamic Law and Culture 11(2): 121-153. 2009. doi: [10.1080/15288170903273060](https://doi.org/10.1080/15288170903273060)
- ⁴³ “Place of birth” meaning any person born within the territorial boundaries of any country regardless of his parent’s nationality is the citizen of that very country. For details, see; James Brown Scott, “Nationality: Jus Soli or Jus Sanguinis”. (The American Journal of International Law), Vol. 24, No. 1 :58-64, 1930. Doi: <https://doi.org/10.2307/2189299>
- ⁴⁴ A rule that a child’s citizenship is determined by its parent’s citizenship. For details, see (Scott, 1930, 58-64)
- ⁴⁵ The term *Dhimmi* refers to a non-Muslim citizen who is protected by Islamic law and has social and financial rights in the Muslim community. In reality, a *dhimmi*’s life, property, and honour are to be respected and protected in the same way that Muslim citizens are. In reality, a *dhimmi*’s life, property, and honour are to be respected and protected in the same way that Muslim citizens are. For more see; Syed Abu A’la Maudūdī, *Human Rights in Islam*, (Lahore: Islamic Publications, undated), p. 9.

- ⁴⁶ Abdullah Saeed, 'Rethinking citizenship rights of non-Muslims in an Islamic state: Rashid al-Ghannouchi's contribution to the evolving debate.' (Islam and Christian Muslim Relations 10 (3)), 307-323, 1999. doi: <http://dx.doi.org/10.1080/09596419908721189>
- ⁴⁷ These concepts usually divided the world into two power houses, often in conflict with each other. For detailed discussion, see; Giovanna Calasso and Giuliano Lancioni, *Dār al-Islām / Dār al-Harb: Territories, People, Identities*, (Boston: Brill, 2017)
- ⁴⁸ Ahmet Akgündüz, "A Position on The Islamic Concept of Citizenship and Muslim Minorities." (Islam and Civilisational Renewal 1 (1))142-158. 2009. doi: [10.52282/icr.v1i1.17](https://doi.org/10.52282/icr.v1i1.17)
- ⁴⁹ See; The Holy Qur'ān, (8:72)
- ⁵⁰ Muḥammad Fawzy Hasan Abdul Ḥay, "The Concept and Principles of Citizenship from an Islamic Perspective." (Egyptian Journals 22 (22)) 105-148. 2018. url: <https://jsh.journals.ekb.eg>
- ⁵¹ Muhammad Hāshim Kamali, "Citizenship: An Islamic Perspective." Journal of Islamic Law and Culture 11(2): 121-153. 2009. doi: 10.1080/15288170903273060
- ⁵² Muhammad Fadel, "Islamic Law and Constitution-Making: The Authoritarian temptation and the Arab Spring." (Osgoode Hall Law Journal 53(2)), 472-507. 2016, url: http://digitalcommons.osgoode.yorku.ca/olsrps/147?utm_source=digitalcommons.osgoode.yorku.ca%2Folsrps%2F147&utm_medium=PDF&utm_campaign=PDFCoverPages
- ⁵³ The Six days 1967 war, that changed Middle East, see; Jeremy Bowen, "1967 War: Six days that changed the Middle East." *BBC News*, June 5, 2017. Url: <https://www.google.com/amp/s/www.bbc.com/news/world-middle-east-39960461.amp>
- ⁵⁴ Ovamir Anjum, "Dhimmi Citizens: Non-Muslims in the New Islamist Discourse", *Reorient* 2(1): 31-50. 2016. Url: <https://www.jstor.org/stable/10.13169/reorient.2.1.0031>
- ⁵⁵ Shaykh Abdallah Bin Bayyah (B, 1935), at the invitation of His Majesty, King Mohammed VI of Morocco, convened the Marrakesh Declaration Conference in 2016, which brought together over 250 of the world's most illustrious Islamic scholars from over sixty nations. More than a hundred religious leaders and heads of state, as well as UN delegates and senior leaders from other world religions, recognised the wisdom of the event and joined in attendance. The conference was organised in collaboration with the United Arab Emirates' Forum for Promoting Peace in Muslim Societies, which was hosted and supported by the UAE government. From January 25 to 27, 2016, the conference was held in the Savoy le Grand Hotel in Marrakesh, Morocco. For details visit; [declaration \(marrakeshdeclaration.org\)](http://marrakeshdeclaration.org)
- ⁵⁶ Marshall T.H, *Citizenship and Social Class and other essays*, (Cambridge: Cambridge University Press, 1950)
- ⁵⁷ Islamic Fiqh Academy India. *Shahriyat aur Iske Masail*, (New Dehli: IFA Publications, 2015)
- ⁵⁸ Yusuf Al- Qaraḍawī, *Al-Watan wa al-Muwātana fī Ḍaw al-Asūl al-Aqdiyya wa al-Maqāsid al-Shari'ah*. (Cairo: Dar al-Shuruq, 2010)
- ⁵⁹ Maszlee Malik, "Fiqh al-Muwātanaḥ ` (Fiqh of Citizenship): A New and Inclusive Islamic Approach for Multi-religious Societies," (Penang Institute Issues, 1-17) 2018. Url: <https://penanginstitute.org/publications/issues/1047-fiqh-al-muwatanah-fiqh-of-citizenship-a-new-and-inclusive-islamic-approach-for-multi-religious-societies/>
- ⁶⁰ Ahmet Akgündüz, "A Position on The Islamic Concept of Citizenship and Muslim Minorities." (Islam and Civilisational Renewal 1 (1)) 142-158, 2009. doi: [10.52282/icr.v1i1.17](https://doi.org/10.52282/icr.v1i1.17)
- ⁶¹ *Ibid.*, 146.
- ⁶² Syed Abul A'la Mawḍūdī, *The Islamic Law and Constitution*, (Lahore: Islamic Publications Ltd, 1960) & see also; Syed Abul A'la Mawḍūdī, *Rights of Non-Muslims in an Islamic State*, (Lahore: Islamic Publications, 1961)
- ⁶³ The Holy Qur'ān, (16:90) and (2:256),

⁶⁴ Rached Al Ghannouchi, *Huqūq al-Muātana: Huqūq Gayr Muslimīn fī Mujtami al-Islami* [Rights of Citizenship: Rights of Non-Muslims in Islamic Society]. Translated by Muhammad Fahīm Akhter Nadwi, (New Dehli: Qazi Publications, 1993)

⁶⁵ The term *Wasatiyya* has been taken from the Quranic verse, (2:143), Which signifies a moderate community, a just community. For details see;) Muhamadul Bakir Yaaqub and Khatijah Othman., “A Textual Analysis for the Term ‘*Wasatiyyah*’ (Islamic Moderation) in Selected Quranic Verses and Prophetic Tradition” (Journal of Education and Social Sciences), Vol,5: 61-68, 2016. Url: https://www.google.com/url?sa=t&source=web&rct=j&url=https://www.jesoc.com/wp-content/uploads/2016/11/JESOC5_29.pdf&ved=2ahUKewiPuKK-9oP4AhU27HMBHWADCasQFnoECEEQAQ&usg=AOvVaw3sADswrm38aPHKBpXqwVpi

⁶⁶ Yusuf Al- Qaraḍawī, *Gaʾyr Muslimīn Fil Mujtami ‘l Islāmī*. [Non-Muslims in the Islamic Society]. Translated by Qaisar Shahzad, (Islamabad: Idarah Tehqīqāt Islāmī, 1985).

⁶⁷ Islamic Fiqh Academy India. *Shahriyat aur Iske Masail*, (New Dehli: IFA Publications, 2015)

⁶⁸ David H Warren, and Christine Gilmore, “One Nation Under God? Yusuf al- Qardawi’s Changing Fiqh of Citizenship in the Light of the Islamic Legal Tradition.” (Contemporary Islam 8) 217-237, 2014. doi: 10.1007/s11562-013-0277-4

⁶⁹ Ovamir Anjum, “Dhimmi Citizens: Non-Muslims in the New Islamist Discourse”, (Reorient 2(1))31-50, 2016. Url: <https://www.jstor.org/stable/10.13169/reorient.2.1.0031>

⁷⁰ *Ibid.*, 42.

⁷¹ *Ibid.*, 31

⁷² Tariq Ramaḍan, *The Quest for Meaning: Developing a philosophy of Pluralism*, (London: Allen Lane, 2010).

⁷³ Tariq Ramaḍan, *Radical Reform: Islamic Ethics and Liberation*, (New York: Oxford University Press, 2009).